

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

400R0363

SENATE BILL NO. 37

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
State Brand Board

1 FOR AN ACT ENTITLED, An Act to authorize the State Brand Board to impose certain
2 administrative fines.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-21 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who violates any provision of chapters 40-20, 40-21, 40-22, or 40-29 is subject
7 to an administrative fine to be imposed by the board, after notice and opportunity for hearing.
8 The administrative fine is in addition to any criminal penalty and may not exceed five thousand
9 dollars for each violation. In determining the amount of the fine, or the amount of a compromise
10 settlement, upon finding a violation the board may consider the appropriateness of the fine to
11 the number of head of livestock involved, the gravity of the violation, prior offenses and
12 compliance history, the good faith of the person charged in attempting to achieve compliance,
13 and such other matters as justice may require. Any fine collected pursuant to this Act shall be
14 deposited in the livestock ownership inspection and theft prevention fund.

